THE HON'BLE SRI JUSTICE E. DHARMA RAO

WRIT PETITION No.16432 OF 1999

Dated: 24.08.2005

Between:

1. S. Pandu, S/o S. Ramaiah and four others.

..Petitioners

And

1.The Cantonment Board, Secunderabad through its

President & three others.

* As against R3 and R4, the writ petition is dismissed

for default as per Court order dated 13.3.2003.

..Respondents.

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.16432 OF 1999

ORDER:

This writ petition is filed seeking a direction, in the nature of writ of Mandamus, declaring the action of respondents 1 and 2 in granting permission to the 4th respondent for construction of a building, pursuant to Board Resolution in CBR Permit No.2 (4-11) dated 29.5.1998 in the area meant for open spaces in the Lay out No.27/78, as illegal.

It is the case of the petitioners that out of 8255 sq. yards in Sy.No.69, an extent of 4857 sq. yards was carved out as 12 open plots and 3398 sq. yards was shown towards open areas for parks and roads etc. The said 12 plots were purchased by the petitioners and others. In the said survey number, there are two old houses bearing Nos.3-6-218 and 3-6-219 and the area of the above houses is 40 feet. The 4th respondent claiming to be the owner of the said houses, obtained permission of the construction of buildings in the said place. As per the sanctioned plan, 118 ft. 6 inches was shown as area available for construction. In this regard, the petitioners made a representation to the 3rd respondent. But no action has been taken so far. Hence the writ petition.

The respondents filed a counter-affidavit denying the averments in the writ petition and contended that on the representation of the petitioners, the 1st respondent-Board initiated proceedings under Section 185(1) of Cantonment Act, 1924 against the 4th respondent, and therefore, the writ petition cannot be entertained and it is liable to be dismissed.

Heard the learned Counsel for the petitioner as well as the learned Counsel for the respondents.

In view of the averment that on the representation made by the petitioners,

appropriate proceedings under the provisions of Cantonment Act, 1924 have been initiated against the 4th respondent and the same are pending, without expressing any opinion on the merits of the case, I deem it appropriate to direct the 1st respondent-Board to conclude the proceedings as expeditiously as possible, in accordance with law and the provisions of the Act.

Subject to the above observations, this writ petition is disposed of. No order as to costs.

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24th August, 2005

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